

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sonia Landino	Team: Squad #15	CCRB Case #: 201409670	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 09/16/2014 8:20 PM	Location of Incident: East 183rd Street and Prospect Avenue; East 182nd Street and Southern Boulevard; the 48th Precinct	Precinct: 48	18 Mo. SOL 3/16/2016	EO SOL 3/16/2016	
Date/Time CV Reported Fri, 09/19/2014 5:12 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 09/22/2014 9:09 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Guy Gargano	3545	943281	NARCBBX
2. SGT Brian Winrow	04213	924629	NARCBBX
3. DT3 Jodi Brown	29246	936246	NARCBBX
4. POM Ryan Boylan	13957	946801	NARCBBX
5. An officer			Unknown

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Mark Oconnell	05367	900544	NARCBBX

Officer(s)	Allegation	Investigator Recommendation
A.SGT Brian Winrow	Abuse: On the corner of East 183rd Street and Prospect Avenue in the Bronx, Sgt. Brian Winrow stopped § 87(2)(b) and § 87(2)(b)	
B.DT3 Jodi Brown	Abuse: On the corner of East 183rd Street and Prospect Avenue in the Bronx, Det. Jodi Brown frisked § 87(2)(b)	
C.DT3 Jodi Brown	Abuse: On the corner of East 183rd Street and Prospect Avenue in the Bronx, Det. Jodi Brown searched § 87(2)(b)	
D.SGT Brian Winrow	Abuse: On the corner of East 183rd Street and Prospect Avenue in the Bronx, Sgt. Brian Winrow frisked § 87(2)(b)	
E.SGT Brian Winrow	Abuse: On the corner of East 183rd Street and Prospect Avenue in the Bronx, Sgt. Brian Winrow searched § 87(2)(b)	
F. An officer	Abuse: On the corner of East 183rd Street and Prospect Avenue in the Bronx, an officer searched the car in which § 87(2)(b) was an occupant.	

Officer(s)	Allegation	Investigator Recommendation
G.SGT Brian Winrow	Abuse: On the corner of East 183rd Street and Prospect Avenue in the Bronx, Sgt. Brian Winrow searched the car in which § 87(2)(b) was an occupant.	
H.SGT Brian Winrow	Abuse: On the corner of East 183rd Street and Prospect Avenue in the Bronx, Sgt. Brian Winrow strip-searched § 87(2)(b) and § 87(2)(b)	
I.DT3 Jodi Brown	Abuse: On the corner of East 183rd Street and Prospect Avenue in the Bronx, Det. Jodi Brown strip-searched § 87(2)(b)	
J. An officer	Discourtesy: On the corner of East 183rd Street and Prospect Avenue in the Bronx, an officer spoke rudely to § 87(2)(b)	
K. An officer	Abuse: On the corner of East 183rd Street and Prospect Avenue in the Bronx, an officer interfered with the recording of a police encounter.	
L.DT3 Jodi Brown	Abuse: In the vicinity of East 182nd Street and Southern Boulevard in the Bronx, Det. Jodi Brown strip-searched § 87(2)(b)	
M.POM Ryan Boylan	Abuse: In the vicinity of East 182nd Street and Southern Boulevard in the Bronx, PO Ryan Boylan strip-searched § 87(2)(b)	
N.DT3 Guy Gargano	Abuse: In the vicinity of East 182nd Street and Southern Boulevard in the Bronx, Det. Guy Gargano strip-searched § 87(2)(b)	
O. An officer	Abuse: Inside the 48th Precinct stationhouse, an officer strip-searched § 87(2)(b) and § 87(2)(b)	
P.DT3 Jodi Brown	Abuse: Inside the 48th Precinct stationhouse, Det. Jodi Brown strip-searched § 87(2)(b) and § 87(2)(b)	
Q.SGT Brian Winrow	Abuse: At the 48th Precinct stationhouse, Sgt. Brian Winrow detained § 87(2)(b)	
§ 87(2)(g), § 87(4-b)		

Case Summary

On September 16, 2014, at approximately 8:20 p.m., § 87(2)(b) was driving his car with his friend, § 87(2)(b) in the passenger seat. § 87(2)(b) parked his car on the corner of East 183rd Street and Prospect Avenue in the Bronx and did not lock his car doors. § 87(2)(b) exited the car and walked into the corner grocery store while § 87(2)(b) began speaking to his friend § 87(2)(b) who was outside sweeping the front of the corner grocery store. While § 87(2)(b) and § 87(2)(b) were talking on the corner of East 183rd Street and Prospect Avenue, an unmarked police van pulled up alongside them and approximately three or four officers in plainclothes exited the van, among them were Sgt. Brian Winrow, Det. Guy Gargano, and Det. Jodi Brown of Narcotics Borough Bronx. Sgt. Winrow stopped § 87(2)(b) and § 87(2)(b) (**Allegation A**). Det. Brown asked § 87(2)(b) “where the drugs were,” while Sgt. Winrow asked § 87(2)(b) the same question. Det. Brown then frisked § 87(2)(b)’s chest area and legs, searched his pant pockets, took a wallet out of his pant pocket, and searched his shoes (**Allegations B and C**). Simultaneously, Sgt. Winrow frisked and searched § 87(2)(b)’s pant pockets (**Allegations D and E**). Sgt. Winrow and an unidentified officer in plainclothes approached § 87(2)(b)’s parked car and allegedly searched inside the car (**Allegations F and G**). Sgt. Winrow and Det. Brown allegedly strip-searched § 87(2)(b) (**Allegations H and I**), and then Sgt. Winrow allegedly strip-searched § 87(2)(b) (**within Allegation H**). The officers placed § 87(2)(b) and § 87(2)(b) inside the unmarked prisoner van and drove the van away from the location. The investigation determined that Det. Mark O’Connell and PO Ryan Boylan of Narcotics Borough Bronx were also present inside the unmarked police van.

§ 87(2)(b) who was standing outside of the grocery store on the corner of East 183rd Street and Prospect Avenue, was observing what was happening and asked an unidentified officer in plainclothes if he could take § 87(2)(b)’s car so he could leave. The unidentified officer in plainclothes allegedly told § 87(2)(b) “Shut the fuck up. You’re not going to take the fucking car” (**Allegation J**). § 87(2)(b) had his cell phone out in order to record what was happening and the unidentified officer in plainclothes allegedly told § 87(2)(b) “Put that shit away. Put the fucking phone away” (**within Allegation J and Allegation K**).

The unmarked police van parked in the vicinity of East 182nd Street and Southern Boulevard and § 87(2)(b) was taken out of the van. Det. Brown, PO Boylan, and Det. Gargano allegedly strip-searched § 87(2)(b) outside of the unmarked police van (**Allegations L, M, and N**). Det. Brown also escorted § 87(2)(b) out of the van and asked him if § 87(2)(b) had passed him any drugs. § 87(2)(b) and § 87(2)(b) were placed back inside the unmarked police van and transported to the 48th Precinct stationhouse. Upon arriving at the 48th Precinct stationhouse, the investigation determined that Sgt. Winrow, Det. Gargano, Det. Brown, Det. O’Connell, and PO Boylan escorted § 87(2)(b) and § 87(2)(b) inside the stationhouse. Det. Brown and an unidentified officer in plainclothes escorted § 87(2)(b) and § 87(2)(b) into separate bathrooms and allegedly strip-searched them (**Allegations O and P**).

After being allegedly strip-searched, § 87(2)(b) was released from the 48th Precinct stationhouse without being fingerprinted or photographed. He was not summonsed and his arrest was voided and sealed that same day. As such, Sgt. Winrow detained § 87(2)(b) (**Allegation Q**). § 87(2)(b)’s arrest was processed and he was released from police custody

for mediation due to § 87(2)(b) s arrest.

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

- [REDACTED]
[REDACTED]
■ [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

- [REDACTED]
[REDACTED]
■ [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

- [REDACTED]
 [REDACTED]
 [REDACTED]

member of the service for 16 years and has

-

- PO Boylan has been a member of the service for 7 years and has 11 CCRB allegations and one additional open CCRB case. All of his prior allegations were closed as complainant uncooperative § 87(2)(g) (encl. 2C).
- Det. Gargano has been a member of the service for 8 years and has 9 CCRB allegations, none of which have been substantiated. § 87(2)(g), § 87(4-b) § 87(2)(g) (encl. 2D).
- § 87(2)(b) has filed two prior CCRB complaints. § 87(2)(b) § 87(2)(b) § 87(2)(b)
- This is § 87(2)(b) and § 87(2)(b)'s first CCRB complaint (encl. 3B-3C).

Potential Issues

- § 87(2)(b) filed this complaint on September 19, 2014, but he and § 87(2)(b) were unable to appear at the CCRB for their interviews until November 10, 2014. Any potential NYPD TARU video footage would no longer be available as requests are limited to 30 days from the incident date.
- § 87(2)(g) § 87(2)(g) § 87(2)(g)
- § 87(2)(b) stated during his sworn CCRB statement, that officers procured nothing from him during the alleged searches, but § 87(2)(b) indicated that the officers did find § 87(2)(b) in possession of a crack pipe and § 87(2)(b)'s property voucher corroborates this. § 87(2)(g) § 87(2)(g)
- On May 5, 2015, a photo viewing was conducted with § 87(2)(b) and § 87(2)(b) § 87(2)(g) § 87(2)(g)
- § 87(2)(b) only provided an unverified phone statement and the undersigned exhausted all contact attempts in order to have § 87(2)(b) provide a sworn CCRB statement and participate in a photo viewing.
- In PO Boylan's memo book (encl. 11C), an entry was made at 7:20 p.m. noting that he and Det. O'Connell had picked up § 87(2)(b) in the police van and at 8:20 p.m., they picked up § 87(2)(b) and § 87(2)(b). Since § 87(2)(b) was present inside the police van with § 87(2)(b) and § 87(2)(b) the undersigned attempted to contact § 87(2)(b) for his witness statement. Contact attempts to § 87(2)(b) were made via telephone and postal mail, but were unsuccessful.
- All of the officers who were interviewed by the CCRB had no recollection of the incident, but they all recalled being present at the first incident location for two arrests. Their recollection of being present at the first incident location was based solely on their memo book entries.

NYPD Documents

Documents were obtained from Narcotics Borough Bronx and the 48th Precinct.

- The Narcotics Borough Bronx 48th Module Roll Call shows that Sgt. Winrow, Det. O’Connell, Det. Gargano, Det. Brown, and PO Boylan were on duty at the time of the incident (encl. 14A).
- The Narcotics Borough Bronx Tactical Plan shows that Sgt. Winrow, Det. Gargano, and Det. Brown were partnered together in an unmarked blue Dodge. Det. O’Connell and PO Boylan were partnered together in the unmarked prisoner van (encl.15A).
- There were no events summaries generated for this incident (encl. 13A-13C).
- The 48th Precinct’s Command Log lists § 87(2)(b) and § 87(2)(b) s arrest entries at 8:20 p.m., with Det. Gargano as their arresting officer and Sgt. Winrow as the supervisor verifying the arrests. The Command Log does not document that strip-searches were conducted on § 87(2)(b) and § 87(2)(b) (encl. 17A).
- § 87(2)(b) and § 87(2)(b) s arrest reports were generated at the 48th Precinct by PO Boylan. Det. Gargano was listed as the arresting officer and Sgt. Winrow was listed as the approving supervisor. § 87(2)(b) s report notes that he was observed exchanging small objects with apprehended other, while § 87(2)(b) s report notes that he was found to be in possession of a quantity of a controlled substance. Both arrest reports do not indicate that strip-searches were conducted (encl. 8E-8J).
- Det. Gargano generated § 87(2)(b) s property voucher at the 48th Precinct, which listed a glass pipe with crack cocaine residue and two zip lock bags containing crack cocaine residue (encl. 8K-8L).

Findings and Recommendations

Explanation of Subject Officer Identification

Sgt. Winrow was the supervising officer of his narcotics field team, which included Det. Gargano, Det. Brown, PO Boylan, and Det. O’Connell. Sgt. Winrow’s memo book and CCRB statement (encl. 9B-9F) place him at the first incident location. During § 87(2)(b) and § 87(2)(b) s CCRB interviews (encl. 5B-5D, 6B-6D), they both identified a white male officer in plainclothes who was in his 50s, between 5’8” to 5’10” tall, approximately 200 pounds, and was believed to be a supervisor/sergeant because they heard the other plainclothes officers refer to him as such. Sgt. Winrow was § 87(2)(b) old at the time of the incident, is 5’10” tall, weighs 190 pounds, and has blonde hair and blue eyes (encl. 9A). § 87(2)(b) identified this supervising officer as the officer who first approached him and asked him where the drugs were. During their photo viewings (encl. 5I, 6H), § 87(2)(b) and § 87(2)(b) identified Sgt. Winrow as being present at the first incident location. § 87(2)(g)

§ 87(2)(g)

amongst all of the white male officers in plainclothes, there was one Hispanic male officer they described as being in his late 20s or early 30s, between 5’10” to 6’1” tall, and 200 pounds. Det. Brown is a Black male, was § 87(2)(b) old at the time of the incident, is 6’2” tall, 220 pounds, and has black hair and brown eyes (encl. 10A). The investigation determined that Det. Brown was the only Black male officer present during the

incident and it would have been reasonable for § 87(2)(b) and § 87(2)(b) to describe Det. Brown as a Hispanic male due to his darker skin complexion as opposed to the fairly light skin complexions of Sgt. Winrow, Det. Gargano, Det. O’Connell, and PO Boylan. § 87(2)(b) alleged that it was the Hispanic male officer who frisked and searched him § 87(2)(g). Meanwhile, § 87(2)(b) alleged that the supervising officer on the scene had frisked and searched him § 87(2)(g).

§ 87(2)(b) indicated that two white male, plainclothes officers in their 30s, that were approximately 5’9” to 6 foot tall and weighed between 200 to 220 pounds, had searched his vehicle. His two officer descriptions did not include the officer description he provided for Sgt. Winrow. However, during § 87(2)(b)’s photo viewing (encl. 5I), he identified Sgt. Winrow as the officer who searched his vehicle and did not identify any other officer as having searched his car with Sgt. Winrow. § 87(2)(g)

§ 87(2)(b) § 87(2)(g) identified Sgt. Winrow and Det. Brown as the officers who strip-searched him at the first location. Although § 87(2)(b) did not identify any officers during his photo viewing as having taken any actions against himself, his CCRB statement identified the supervising officer at the scene as the officer who strip-searched him. § 87(2)(g)

During § 87(2)(b)’s unverified phone statement (encl. 7A), he described the officer who used profanity against him as a white male in plainclothes who was 6 foot tall, in his 30s, and had dark hair. As discussed in the Potential Issues, § 87(2)(b) did not provide a sworn CCRB statement and did not participate in a photo viewing. § 87(2)(g)

§ 87(2)(b) and § 87(2)(b)’s sworn CCRB statements and photo viewings corroborated that Det. Brown strip-searched § 87(2)(b) at the second incident location. During his photo viewing, § 87(2)(b) identified Det. Gargano as the second officer who strip-searched § 87(2)(b) at the second incident location. However, § 87(2)(b) did not recognize Det. Gargano during his photo viewing and instead identified PO Boylan as the officer who strip-searched him along with Det. Brown at the second incident location. § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) stated that two officers had each strip-searched them inside the 48th Precinct stationhouse. § 87(2)(b) and § 87(2)(b) indicated that the Hispanic male officer,

identified via the investigation as Det. Brown, was one of the two officers who strip-searched the both of them at the stationhouse. § 87(2)(b) positively identified Det. Brown as one of the officers who strip-searched him at the stationhouse, but he was unable to identify the second officer. § 87(2)(b) was unable to identify any of the officers during his photo viewing as having strip-searched him at the stationhouse. § 87(2)(g)

As discussed previously, it is undisputed that Sgt. Winrow was present at the first incident location and he was the sole supervisor at the incident location and inside the 48th Precinct stationhouse. § 87(2)(g)

Allegations Not Pleaded

- § 87(2)(g)
- § 87(2)(g)

Allegation A – Abuse of Authority: On the corner of East 183rd Street and Prospect Avenue in the Bronx, Sgt. Brian Winrow stopped § 87(2)(b) and § 87(2)(b)

During § 87(2)(b)'s phone statement (encl. 5C) that he provided on September 23, 2014, he indicated that while he and § 87(2)(b) were standing on the corner of East 183rd Street and Prospect Avenue, he received a phone call from an unidentified individual who told § 87(2)(b) to walk to East 183rd Street and Southern Boulevard. § 87(2)(b) believed he was being set up, so he did not walk to the aforementioned location. After ending the phone call, § 87(2)(b) stated that an unmarked black police van pulled up alongside him and § 87(2)(b) and five plainclothes officers exited the van and approached them. During § 87(2)(b)'s CCRB interview (encl. 5C-5D) that was conducted on November 10, 2014, he stated that he was driving with § 87(2)(b) when he received a phone call from a male who identified himself as § 87(2)(b) cousin § 87(2)(b). § 87(2)(b) told § 87(2)(b) that he did not know him or § 87(2)(b) and that he did not have drugs. § 87(2)(b) also told § 87(2)(b) to meet him at East 183rd Street and Prospect Avenue and reiterated that he did not have any drugs. § 87(2)(b) never detailed what specific questions § 87(2)(b) had asked him during the phone call. § 87(2)(b) then parked his car near the corner of East 183rd Street and Prospect Avenue and he and § 87(2)(b) approached § 87(2)(b) who was standing on the aforementioned corner. While talking with § 87(2)(b), § 87(2)(b) received a second phone call from § 87(2)(b) who told § 87(2)(b) to walk down the block. § 87(2)(b) told § 87(2)(b) his location and for § 87(2)(b) to approach him. Immediately following the phone call with § 87(2)(b), an unmarked police van pulled up alongside § 87(2)(b) and § 87(2)(b) and four plainclothes officers exited the unmarked police van. § 87(2)(b) alleged that all four plainclothes officers approached him and Det. Brown asked him where the drugs were.

During § 87(2)(b)'s phone statement (encl. 6A) that he provided on September 25, 2014, he stated that he and § 87(2)(b) were standing and talking to each other on the corner of East 183rd Street and Prospect Avenue when § 87(2)(b) received a phone call from someone they did not know. § 87(2)(b) told § 87(2)(b) to hang up the phone, which he did, but the unknown number immediately called § 87(2)(b) back. Without describing the contents of the phone conversation between § 87(2)(b) and the unidentified caller, § 87(2)(b) stated that an unmarked police van pulled up alongside him and § 87(2)(b) and an unknown number of plainclothes officers jumped out of the police van and handcuffed them. In his sworn CCRB statement (encl. 6C-6D), § 87(2)(b) stated that while he was sweeping in front of a grocery store located on the corner of East 183rd Street and Prospect Avenue, § 87(2)(b) approached him and received a phone call. The unidentified caller would not identify himself after multiple requests from § 87(2)(b) to do so, which led § 87(2)(b) to tell § 87(2)(b) to hang up the phone if he did not know who he was speaking to. After he ended the phone call, § 87(2)(b) told § 87(2)(b) that the caller was asking him about drugs. Immediately thereafter, an unmarked police van parked in front of § 87(2)(b) and § 87(2)(b) and three plainclothes officers exited the van. An unidentified officer then approached § 87(2)(b) and asked him where the drugs were. Simultaneously, Sgt. Winrow approached § 87(2)(b) and asked him where the drugs were.

§ 87(2)(b)'s unverified phone statement (encl. 7A) corroborated that he was a passenger in § 87(2)(b)'s car, but that once § 87(2)(b) parked his car on the corner of East 183rd Street and Prospect Avenue, § 87(2)(b) went inside the corner grocery store while § 87(2)(b) remained in his car. When § 87(2)(b) exited the grocery store, he observed four to six plainclothes officers physically interacting with § 87(2)(b) and § 87(2)(b). § 87(2)(b) did not indicate that he personally interacted with § 87(2)(b) on the incident date or that § 87(2)(b) received phone calls from an unidentified individual regarding drugs.

None of the officers who were interviewed by the CCRB had independent recollections of this incident and their CCRB statements were a reiteration of their memo book entries from the incident date. Sgt. Winrow's memo book notes that two individuals were under arrest at East 183rd Street and Prospect Avenue for § 87(2)(b), but Sgt. Winrow did not note his observations before authorizing these arrests. Det. Gargano was § 87(2)(b) and § 87(2)(b)'s arresting officer, but his memo book also does not note any observations made prior to the arrests.

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

§ 87(2)(g)

§ 87(2)(g)

Allegation B – Abuse of Authority: On the corner of East 183rd Street and Prospect Avenue in the Bronx, Det. Jodi Brown frisked § 87(2)(b)

Allegation C – Abuse of Authority: On the corner of East 183rd Street and Prospect Avenue in the Bronx, Det. Jodi Brown searched § 87(2)(b)

Allegation D – Abuse of Authority: On the corner of East 183rd Street and Prospect Avenue in the Bronx, Sgt. Brian Winrow frisked § 87(2)(b)

Allegation E – Abuse of Authority: On the corner of East 183rd Street and Prospect Avenue in the Bronx, Sgt. Brian Winrow searched § 87(2)(b)

§ 87(2)(b) alleged that after he was asked where the drugs were, Det. Brown immediately frisked his chest area and pant legs. Det. Brown then searched inside § 87(2)(b)'s pant pockets and took out § 87(2)(b)'s wallet. § 87(2)(b) stated that the only item he had in his pockets was his wallet. Besides § 87(2)(b)'s wallet, no other items were procured during the search. While § 87(2)(b) was frisked and searched by Det. Brown, § 87(2)(b) alleged that Sgt. Winrow had approached him, asked him where the drugs were, then immediately frisked and searched his pant pockets. § 87(2)(b) also stated that the only item he had in his pant pockets was a wallet and that no items were procured during the search. However, according to § 87(2)(b) officers recovered a crack pipe from one of § 87(2)(b)'s pant pockets during the search.

Both Sgt. Winrow and Det. Brown did not have any recollection of this incident besides stating that they were present at the first incident location on the incident date. None of the other officers who were interviewed by the CCRB had independent recollections of the incident and their statements were fully based on their brief memo book entries. Only Sgt. Winrow and Det. Gargano's memo books noted that § 87(2)(b) and § 87(2)(b) were placed under arrest for § 87(2)(b), but their observations that preceded the arrests are not noted in their memo books.

According to § 87(2)(b)'s arrest report (encl. 8E-8G), he was observed exchanging "small objects" with § 87(2)(b). A description of the objects that were allegedly exchanged is not noted within the arrest report. § 87(2)(b)'s arrest report (encl. 8H-8J) indicates that he was found to be in possession of a quantity of a controlled substance. § 87(2)(g)

§ 87(2)(g) [REDACTED]

§ 87(2)(b) alleged that two officers in plainclothes searched his parked car. He stated that the officers searched every compartment inside his car including the glove compartment, the trunk, and the officers removed a door panel to search inside. Neither § 87(2)(b) nor § 87(2)(b) corroborated the alleged vehicle search even though they were standing in close proximity to § 87(2)(b) and the officers.

§ 87(2)(g)

As discussed previously, § 87(2)(b) identified Sgt. Winrow in his photo viewing as being the officer who searched his car, § 87(2)(g)

[REDACTED] Sgt. Winrow had no recollection of the incident.

§ 87(2)(g)

Allegation H – Abuse of Authority: On the corner of East 183rd Street and Prospect Avenue in the Bronx, Sgt. Brian Winrow strip-searched § 87(2)(b) and § 87(2)(b)

Allegation I – Abuse of Authority: On the corner of East 183rd Street and Prospect Avenue in the Bronx, Det. Jodi Brown strip-searched § 87(2)(b)

§ 87(2)(b) alleged that after officers had searched his car, either Det. Brown or Sgt. Winrow had told him not to move so that they could search him for drugs. § 87(2)(b) stated that either Det. Brown or Sgt. Winrow pulled his waistband away from his body and touched his genitals over his underwear. § 87(2)(b) did not indicate that his underwear was exposed to anyone other than Sgt. Winrow and Det. Brown. During § 87(2)(b)'s photo viewing, he identified both Sgt. Winrow and Det. Brown as the officers who strip-searched him at the first location and did not indicate it was only one of the identified officers who strip-searched him.

§ 87(2)(b) alleged that after Sgt. Winrow had frisked and searched his pant pockets, Sgt. Winrow pulled his waistband away from his body and looked inside his pants. § 87(2)(b) also alleged that he observed a bald, white male officer in his 30s, who was 5'6" tall and dressed in plainclothes, strip-search § 87(2)(b) at the same time he was strip-searched by Sgt. Winrow. During his photo viewing, § 87(2)(b) did not identify any officers as having strip-searched him or § 87(2)(b) at the first incident location. Additionally, § 87(2)(b) identified Sgt. Winrow as having been present at the first incident location, but specified that Sgt. Winrow was only a witness officer at the scene.

Sgt. Winrow did not recall strip-searching any individuals on the incident date, Det. Brown could not recall any details about the incident date, and Det. Gargano stated that he did not observe any officers strip-search § 87(2)(b) or § 87(2)(b) at the first incident location. Both arrest reports generated for § 87(2)(b) and § 87(2)(b) do not indicate that strip-searches were conducted.

§ 87(2)(g)
[REDACTED]

Allegation J – Discourtesy: On the corner of East 183rd Street and Prospect Avenue in the Bronx, an officer spoke rudely to § 87(2)(b)

Allegation K – Abuse of Authority: On the corner of East 183rd Street and Prospect Avenue in the Bronx, an officer interfered with the recording of a police encounter.

According to § 87(2)(b) the officers took no action against § 87(2)(b) and that § 87(2)(b) only witnessed the incident. When the undersigned called § 87(2)(b) on April 3, 2015 to obtain his witness statement, § 87(2)(b) alleged that he approached an unidentified, white male officer in plainclothes and asked if he could take § 87(2)(b)'s car in order to leave. The unidentified officer in plainclothes allegedly told § 87(2)(b) "Shut the fuck up. You're not going to take the fucking car." When § 87(2)(b) attempted to video record what was happening with his cell phone, the unidentified officer allegedly told § 87(2)(b) "Put that shit away. Put the fucking phone away." At the conclusion of his phone statement, § 87(2)(b) agreed to provide a sworn statement and participate in a photo viewing if they were both conducted at the same time so he would not have to appear at the CCRB twice. The undersigned informed § 87(2)(b) that once officer photographs were received, the undersigned would contact him to schedule an interview.

Between April 27, 2015 and May 14, 2015, § 87(2)(b) was contacted four times via telephone and two letters were mailed via the United States Postal Service, all of which were not returned. The undersigned left voicemails for § 87(2)(b) informing him that the CCRB would not be able to investigate his allegations if he did not provide a sworn statement, but § 87(2)(b) has not contacted the undersigned back as of the date of this report. On July 2, 2015, a New York City and New York State Department of Correction Inmate Look-Up search revealed that § 87(2)(b) was not incarcerated during the undersigned's contact attempts and he is not currently incarcerated. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation L – Abuse of Authority: In the vicinity of East 182nd Street and Southern Boulevard in the Bronx, Det. Jodi Brown strip-searched § 87(2)(b)

Allegation M – Abuse of Authority: In the vicinity of East 182nd Street and Southern Boulevard in the Bronx, PO Ryan Boylan strip-searched § 87(2)(b)

After § 87(2)(b) was placed inside the unmarked police van with § 87(2)(b) they were driven to East 182nd Street and Southern Boulevard. § 87(2)(b) alleged that Det. Brown and an unidentified, white male officer in plainclothes who was in his mid-30s, was 6 foot tall, weighed 220 pounds, and had blonde hair, took him out of the police van and pulled his pants down to his knees exposing his underwear. Det. Brown pulled the front of § 87(2)(b)'s underwear band away from his body and looked at his genitals, while the unidentified, white male officer in plainclothes pulled the back of § 87(2)(b)'s underwear band and looked at his buttocks. No items were recovered and the officers placed § 87(2)(b) back into the police van. During § 87(2)(b)'s photo viewing, he identified Det. Brown and PO Boylan as the officers who strip-searched him at the second incident location.

According to § 87(2)(b)'s sworn statement (encl. 6B-6D), while he was inside the police van at the second incident location, he observed an unidentified, white male officer in plainclothes, who he described as being in his 30s, was 5'6" tall, and bald, pull the waistband of § 87(2)(b)'s pants away from his body while Det. Brown used a flashlight to look at § 87(2)(b)'s buttocks. The officers then placed § 87(2)(b) back into the police van. During § 87(2)(b)'s photo viewing, he

Allegation P – Abuse of Authority: Inside the 48th Precinct stationhouse, Det. Jodi Brown strip-searched § 87(2)(b) and § 87(2)(b)

§ 87(2)(g)

Det. Brown had strip-searched both of them inside the stationhouse. However, there is no NYPD documentation that indicates strip-searches were conducted on § 87(2)(b) and § 87(2)(b) and Det. Brown has no recollection of this incident. Det. Brown also stated that he did not recall interacting with any individuals inside the 48th Precinct stationhouse on the incident date.

§ 87(2)(g)

Allegation Q – Abuse of Authority: At the 48th Precinct stationhouse, Sgt. Brian Winrow detained § 87(2)(b)

According to statements provided by § 87(2)(b) and § 87(2)(b) and NYPD documentation, § 87(2)(b) was released from the 48th Precinct stationhouse after he was allegedly strip-searched. He was not summonsed or issued a Desk Appearance Ticket and his arrest was voided that same night. Even though § 87(2)(b)'s voided and sealed arrest report indicated that he was observed exchanging small objects with § 87(2)(b) neither Det. Gargano who was the arresting officer or Sgt. Winrow who was the supervising officer, could articulate any observations they made of § 87(2)(b) before they approached him.

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

Pod: 15

Investigator: _____
Signature Print Date

Pod Leader: _____
Title/Signature Print Date

Attorney: _____
Title/Signature Print Date